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| Title | Signage for Court Clerks' Offices Regarding Assistance Available (adopt Cal. Standards Jud. Admin. § 41) |
| Summary | This proposed notice would more fully inform litigants of the assistance they can reasonably expect to obtain from the court clerk's office. |
| Source | Family and Juvenile Law Advisory Committee |
| Staff | Bonnie Hough, 415-865-7668, Michael Fischer (415) 865-7685 |
| Discussion | <p>The first point of contact for most litigants coming before the courts is the court clerk's office. The signage in that office is particularly critical to conveying the message that the courts are committed to access and fairness.</p> <p>In 1995, John M. Greacen, the Director of the Administrative Office of the Courts in New Mexico, wrote a seminal article for court personnel entitled, "No Legal Advice From Court Personnel" — What Does That Mean?" In that article, he proposed that:</p> <ol style="list-style-type: none"> 1. Court staff have an obligation to explain court processes and procedures to litigants, the media, and other interested citizens, 2. Court staff have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution, 3. Court staff cannot advise litigants whether to bring their problems before the court or what remedies to seek, 4. Court staff must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another. They must never give advice or information to one party that they would not give to an opponent, and 5. Court staff should be mindful of the basic principle that counsel may not communicate with the judge ex parte. Court staff should not let themselves be used to circumvent that principle, or fail to respect it, in acting on matters delegated to them for decision. <p>As a result of the article, courts throughout the United States and Canada have rethought traditional standards regarding provision of legal</p> |

information. A number of state court systems have developed a form for their clerks similar to the one being circulated for comment with this proposal.

This form would provide a more positive message to potential litigants wanting to file their papers with the court than is currently conveyed in some counties. It would also provide a consistent framework for clerks throughout the state.

Attachments

New section 41 of the California Standards of Judicial Administration would be adopted effective January 1, 2002 to read:

§ 41 – Court clerk’s office — signage

Each office of the court clerk shall post a form in substantially the same format as the form attached. This form is intended to more fully inform litigants of the assistance that they can reasonably expect to obtain from the court clerk’s office.

Advisory Committee Comment:

2002. The first point of contact for most litigants coming before the courts is the court clerk’s office. The signage in that office is particularly critical to conveying the message that the courts are committed to access and fairness.



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WELCOME TO THE CALIFORNIA STATE COURTS

WE WILL BE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE MUST BE FAIR TO EVERYONE.

This is a list of some things the court staff can and cannot do for you.

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| We can | explain and answer questions about how the court works. | We cannot | tell you whether or not you should bring your case to court. |
| We can | provide you with the number of the local lawyer referral service, legal aid program, the family law facilitator program, and other services where you can get legal information. | We cannot | tell you what words to use in your court papers. (However, we can check your papers for completeness. For example, we check for signatures, notarization, correct county name, correct case number and presence of attachments.) |
| We can | give you general information about court rules, procedures, and practices. | We cannot | tell you what to say in court. |
| We can | provide court schedules and information on how to get a case scheduled. | We cannot | give you an opinion about what will happen if you bring your case to court. |
| We can | give you information from your case file. | We cannot | talk to the judge for you. |
| We can | provide you with court forms and instructions that are available. | We cannot | let you talk to the judge outside of court. |
| We can | usually answer questions about court deadlines and how to compute them. | We cannot | change an order signed by a judge. |

Since court staff may not know the answers to all questions about court rules, procedures, and practices, we have been instructed not to answer questions if we do not know the correct answer.